

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KAREEM HENDERSON, *et al.*, }
Plaintiffs, }
v. } Civil Action No. 08-308 Erie
JEFFREY BEARD, *et al.*, }
Defendants. }

MEMORANDUM ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on November 6, 2008 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [24], filed on January 19, 2010, recommends that Plaintiff Kareem Henderson be dismissed from this case due to his failure to prosecute. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail to SCI Forest, where he is incarcerated. To date, no objections have been filed. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 17th day of February, 2010;

IT IS ORDERED that Plaintiff Kareem Henderson be, and hereby is, DISMISSED from this case due to his failure to prosecute. As a result, the only remaining Plaintiff in this civil action is Demetrius Bailey. Consistent with the foregoing, the Clerk is hereby directed to amend the case caption to reflect "Demetrius Bailey" as the lead Plaintiff in this case.

The Report and Recommendation of Magistrate Judge Baxter [24], dated January 19, 2010, is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin
United States District Judge

cc: all parties of record
U.S. Magistrate Judge Baxter